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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 3 of General Assembly resolution 51/196 of 17 December 1996, in which the Assembly requested me to submit a report not later than 30 June 1997 on the mandate and further extension of the United Nations International Civilian Mission in Haiti (MICIVIH). Prepared in consultation with the Organization of American States (OAS), the report contains an overview of the human rights situation, assesses the functioning of the police, the judiciary and prisons and outlines the activities of MICIVIH in the areas of human rights observation, institution-building, human rights promotion and civic education.

II. THE POLITICAL CONTEXT

2. Since my report of 2 December 1996 (A/51/703), the political situation has deteriorated. Divisions within the ruling Lavalas movement have deepened, in a context characterized by a stagnating economy, high unemployment rate, rising prices of basic products and widespread popular disillusionment with the Government's inability to address those social and economic ills.

3. Popular organizations have demonstrated against the economic policies of the Government and asked for its resignation. There have been calls for general strikes as well as protest marches, road barricades and street demonstrations, some of which, like the student demonstrations of mid-May, turned violent and disrupted public order, thereby placing greater pressures on police. Threats, inflammatory statements and intimidation were used by some of these organizations to offset their lack of popular appeal, thereby exacerbating the fears of a public already disturbed by the prevalence of armed crime and attacks

on both ordinary citizens and police. In the Parliament, the Government survived a motion of no-confidence in its performance and economic policies.

4. The Lavalas internecine rifts came fully into the open during the run-up to and in the course of the 6 April elections for local government assemblies and one third of the Senate. Boycotted by the main opposition political parties, the elections pitted the major factions of the Lavalas movement, i.e., the Organisation Politique Lavalas (OPL) and the newly established political party of former President Jean-Bertrand Aristide, Lafanmi Lavalas, against each other. The gains made at the end of the first round of elections by Lafanmi Lavalas were bitterly contested by OPL amid gross irregularities, allegations of widespread fraud and criticisms of partisan conduct by the Provisional Electoral Council. Despite conciliation efforts by the international community, the post-electoral crisis has not yet been resolved. On 12 June, the second round of the Senate elections was postponed sine die after the withdrawal of parties protesting the discredited electoral process created a situation where there would have been no competition in the runoffs.

5. Acknowledging that the Government had not been able to fulfil the expectations of the people, denouncing an unethical political game and accusing the Provisional Electoral Council of arrogance, the OPL Prime Minister resigned on 9 June 1997. Taking place in a delicate political and economic conjuncture, his resignation could exacerbate the ongoing crisis and further delay the implementation of urgently required projects and reforms.

6. Public criticism of the international presence voiced by some sectors of Haitian society increased sharply amidst occasional threats against international personnel and property. MICIVIH was nevertheless able to carry out its programme of work without impediment except in a few exceptional circumstances. Overall, the Mission enjoyed good relations with the authorities, who at times publicly supported its work. At the field level, relations were also generally good, although observers had several meetings with police agents and prison guards to correct the emerging misapprehension that the Mission was focusing more on internal discipline issues than institution-building.

III. HUMAN RIGHTS OVERVIEW

7. Despite the sometimes troubled situation, individual rights and fundamental freedoms continued to be widely enjoyed. The increased number of street demonstrations and periodic surges of armed crime as well as attacks on individual police agents severely tested the mettle and abilities of the new and inexperienced police, which achieved some success in curtailing the activities of armed gangs. Matters were not helped by the fractious political cross-currents at play, which led the Parliament to inquire into claims of politicization of the police. In such a context, monitoring respect for human rights remained an important activity of MICIVIH. Investigating allegations of human rights violations by State agents permitted the Mission to evaluate the human rights situation, as well as to intervene on behalf of victims. The information collected was used to make recommendations on institution-building and better focus human rights promotion programmes.

8. Verification shows that the police still have work to do to improve their human rights record. Cases raised by the Mission with the Haitian authorities included more than 20 fatal shootings by police between January and May 1997. About half of those cases were human rights violations, mostly cases of excessive use of force. There were at least three allegations of summary executions and one case of a detainee apparently dying after being severely beaten. In the other cases, there was either insufficient information to draw a conclusion as to whether or not the use of force was excessive or the case appeared to be legitimate defence. The relatively high incidence of fatal shootings suggests yet again the need for much greater control over the use of firearms. In that respect, MICIVIH conveyed to the Senate its concerns over draft legislation for issuing automatic/heavy weapons to special police units with only limited control over their use. Also disturbing is the increasing tendency of local authorities, judges, electoral candidates and some regionally based organizations to carry arms or hire groups of armed security guards.

9. MICIVIH raised with the authorities reports of beatings and other forms of ill-treatment by police, which, although not systematic or routine, increased in 1997 after dropping sharply in the second half of 1996. By the end of May, over 100 individuals had alleged that they had been hit or beaten to some degree. While the deployment of special crowd-control units led to some improvement in the policing of demonstrations, police abuses were reported during several protests, some of which were violent. The increasing distribution of automatic/heavy weapons to police and several operations during which police masked their faces gave cause for concern. In localities lacking a police presence, elected local government officials also appeared to be assuming increasing powers of arrest and detention, and were reportedly responsible for a number of abuses. The treatment of detainees in prisons remained good overall, although there were sporadic reports of beatings by prison guards. Off-duty Administration pénitentiaire nationale guards were accused of being involved in several incidents, including shooting dead an unarmed individual and beating two others.

10. Violations of the right to due process and individual liberty arising from prolonged pre-trial detention and, to a lesser extent, from arbitrary arrests and detention, continued to be the most widespread. The Mission raised a number of cases with the authorities where judges had ruled a detention to be illegal but where State prosecution had failed to execute the decision, thereby restricting the right to habeas corpus. Some individuals accused of plotting against State security and of other charges were released during the period but more than 20 remained in prison. Cases in which irregularities were noted were raised with the authorities once again, in particular those that had a political dimension.

IV. INSTITUTION-BUILDING

A. Haitian National Police

11. The new civilian police force continued to make slow progress. Its operational and administrative structure was further strengthened with the technical assistance of the civilian police element of the United Nations

Support Mission in Haiti (UNSMIH). The installation of supervisory officers in late 1996 within each geographical department led to improvements in discipline and control in some areas, and police authorities have shown a willingness to tackle abuses reported by MICIVIH. The Mission continued to work closely with the Office of the Inspector General, whose investigative capacity improved, thereby strengthening accountability. In the course of two "days of reflection" on the functioning of the Office, several suggestions made by MICIVIH were discussed and agreed to, but have not yet been implemented. In April, the Mission submitted proposals to the Minister of Justice for improving the judicial processing of abuses involving police, including draft terms of reference for a special prosecutor for such abuses.

12. The Mission regularly submitted to the Office of the Inspector General information on cases of serious abuses, most of which were investigated. In some cases of fatal shootings and of police brutality, the Office immediately imposed temporary sanctions pending the outcome of inquiries. During the period under review, 13 police agents and one commissaire were permanently dismissed from the force, bringing the total number of dismissals to 114 since the deployment of the Haitian National Police. The 14 new dismissals included several police agents directly implicated in human rights abuses or covering up of abuses and a commissaire who had failed to investigate four summary executions in June 1996. The Office of the Inspector General passed information on abuses to the State prosecutor but judicial follow-up was inadequate. More than a dozen police agents have been detained in the past year on charges related to human rights violations. However, six police agents accused of participating in summary executions were released by the judicial authorities without explanation in May/June, thereby undermining efforts to improve accountability.

13. Allegations of arbitrary arrest and detention were monitored, including cases of individuals held in police custody beyond the constitutional 48-hour limit. Observers sometimes brought together judicial and police officials to seek more lasting solutions where the problems appeared to be institutional. In collaboration with the UNSMIH civilian police element, the Haitian National Police directorate and the Ministry of Justice, MICIVIH drafted a detention register for the police stations, soon to be distributed throughout the country. In the absence of a specific legal framework on the matter, the preface to the register includes a summary of principles and rules which should govern detention in police custody. The new register, which will facilitate the uniform and systematic recording of information on arrests, was developed after observers noted during their many visits to police stations that it was often impossible to determine who was in detention or the legal status of detainees.

14. MICIVIH continues to contribute to consolidating the Haitian National Police by providing training to the Haitian police officers. Using its field experience and case studies as a central element of its presentations, MICIVIH, since September 1995, has provided 3,500 police agents with human rights training. MICIVIH continued to distribute to all trainees a collection of legal and other texts relevant to police ethics. The Mission also prepared and printed 6,000 copies of a pocket-size edition of the Code de déontologie of the Haitian National Police which were given to the Direction générale for distribution to all police agents.

15. In response to an increase in reports of ill-treatment in some localities, seminars that focused on the rights of detainees, the use of force and legal interrogation techniques were organized jointly by MICIVIH and the UNSMIH civilian police personnel for local judicial police and supervisors. In other places, civilian police, the Haitian National Police and MICIVIH gave day-long training sessions on human rights-related issues to local police. These sessions usually included meetings between the Haitian National Police and the local population to promote greater awareness of the role and work of local police.

16. At the request of police in Cap Haïtien, a series of 6 three-day training seminars was successfully implemented in cooperation with the civilian police, to enhance the skills of local community police in communication, problem-solving and conflict resolution. At the end of the seminars, nine agents were selected to become trainers themselves in the North Department, and are working with MICIVIH and the UNSMIH civilian police officers to develop and run introductory seminars in other police stations in the Department. The training programme has since been adapted for the police in other parts of the country. MICIVIH has also begun preliminary discussions with the International Criminal Investigative Training Assistance Program (ICITAP) to develop conflict resolution courses at the Police Academy and as part of the continuing education programme of the Haitian National Police. In addition, MICIVIH supported the Haitian National Police community relations and civic education teams in several towns. The Haitian National Police team at Jérémie gained national recognition for its work and was called upon to assist in developing a national programme. MICIVIH also organized seminars on peaceful conflict resolution with mixed groups of Haitian National Police, Administration pénitentiaire nationale guards and journalists.

B. Prisons and detention centres

17. Following up on the publication in 1996 of a report on the Haitian National Police and another on the justice system, MICIVIH will shortly publish a third report that will assess the achievements and shortcomings in establishing a new prison system since the return of constitutional Government in 1994. The report will look at the creation and functioning of the Administration pénitentiaire nationale, prison conditions and the legal framework of detention and outline a series of recommendations for improving the running of prisons, the status of Administration pénitentiaire nationale guards and the protection of detainees.

18. Observers regularly visited prisons throughout the country to assess conditions, and the treatment and legal situation of detainees. They collaborated with the United Nations Development Programme (UNDP) on its prison reform project, as well as with other international actors. Prison visits without prior authorization were suspended in late January by the then director of the Administration pénitentiaire nationale. They were resumed shortly afterwards when the Minister of Justice reminded prison authorities that MICIVIH observers should have full access to detention centres in accordance with their mandate.

19. Prison overcrowding, largely a result of delays in judicial processing and increasing caseloads in the courts, led in some places to a deterioration in security and other conditions of detention. Observers worked closely with judicial and penal officials to resolve those problems. They also continued to monitor the maintenance of prison registers.

20. Internal regulations for prison facilities that had been drafted in 1996 were still pending approval by the Ministry of Justice at the time of writing. In June 1997, a presidential decree was issued, dated 24 April 1997, incorporating the Administration pénitentiaire nationale into the Haitian National Police as stipulated in the Constitution. The Haitian National Police/Administration pénitentiaire nationale authorities are discussing the modalities of the integration, which will be governed by the law which created the Police and by internal Police regulations. MICIVIH stressed that the responsibilities of the two institutions must be clearly differentiated. The Mission is also prepared to help the Administration pénitentiaire nationale establish a mechanism for complaints and disciplinary procedures to sanction abuses.

C. Justice system

21. Efforts by the Haitian authorities to put in place a strategy and programme of judicial reform continued. The absence of such a strategy and programme has been a major impediment to institutional development and the full protection of human rights. This has in turn hampered the institutional development of the police and the prisons.

22. MICIVIH has encouraged and supported the reform process from its inception. It has held discussions with officials of the Ministry of Justice as well as with members of the legal profession and civil society. It has made an in-depth assessment of the judicial system and recommendations aimed at its restructuring and modernization. It has assisted the Ministry in drafting interim action plans and it has stimulated public debate.

23. MICIVIH has focused on four issues central to the judicial reform: the creation of structures to design and guide the reform process, the formulation of a reform strategy, the need for confidence-building measures and the harmonization of the pace of development of the three institutions that underpin justice (police, judiciary and prisons).

24. It is hoped that the recent creation of the Judicial and Law Reform Committee with funding from the European Union will lead to the drafting of a judicial reform blueprint. The Committee's mandate is to coordinate the preparation, by the end of the year, of an overall plan for all areas of judicial and law reform. At its core, three lawyers supervise three main areas: criminal (mainly the revision of codes), civil (including social rights and the status of judges) and public security. A working group in which MICIVIH is playing an active role was set up to support the Committee. In June, a committee was created to oversee the work of the Ministry of Justice, an important development given the key role the Ministry will play in drafting programmes and implementing reforms.

25. The Mission continued to stress the need to plan the short, medium and long-term phases of this complex process, bearing in mind the political, technical and social implications of the reform. It also advocated a holistic approach to judicial issues. Indeed, this is why MICIVIH initiated coordination meetings between the police, prisons and the judiciary. More generally, MICIVIH stressed that the functioning of the judicial system, including criminal justice, should be considered as the core element of the public security system. Officials from the Ministry of Justice recently reflected some of those ideas in public statements. Close coordination between the different institutions will also be required for the prevention of crime and the treatment of offenders, issues that need to be addressed in the future. To build confidence in the process, MICIVIH recommended the adoption of concrete measures, which could be institutional (such as criteria for the appointment of judicial personnel), administrative (such as streamlining conditions of service and tenure of judicial officials) and purely legal (such as reform of codes).

26. MICIVIH sought to stimulate public debate on judicial reform through a number of public presentations on different reform strategies, drawing on the experiences of other countries in the region that have undergone similar processes. To that end, MICIVIH facilitated the visit to Haiti of the Minister for Justice of Bolivia in 1996, and participated in the visit of a delegation from the Haitian Ministry of Justice to Argentina in June 1997 to study its justice system.

27. The Mission participated in periodic discussions of the Donors Committee and monthly meetings on justice chaired by the Prime Minister, at which attempts were made to facilitate the coordination of all the actors involved in judicial institutional development.

28. Much of its work on judicial matters focused on the problem of prolonged pre-trial detention. Observers in the field worked closely with judicial and penal authorities to determine the most serious cases of prolonged detention without trial and expedite proceedings.

29. MICIVIH worked closely with the Follow-up Committee, which was set up to monitor the implementation of recommendations made in December 1996 at a symposium on pre-trial detention organized by Haitian non-governmental organizations with international support. The Committee, which includes judges, prosecutors and lawyers, has been meeting regularly since the end of February. It has successfully implemented a number of practical remedial measures, such as mandatory visits to prisons and police detention centres by appropriate officials, sometimes with logistical support from the Mission. The Committee has also encouraged judges to expedite their processing of cases.

30. Prolonged pre-trial detention is a major concern of the Government. As a result, the Commission consultative pour pallier la lenteur de la justice pénale was set up by the President in November 1996, with MICIVIH as a consultant. Its final report, issued in January 1997, included a list of recommendations, some of which have been implemented. The matter was also raised at a meeting, attended by MICIVIH, between an official of the Ministry of Justice, the Port-au-Prince State prosecutor and 20 metropolitan justices of the peace. The Ministry official reminded those present of their obligations, including weekly

visits to detention centres. The State prosecutor also urged the judges to cooperate with MICIVIH in its requests for information, given that the Mission's objective was to assist them in improving that aspect of their work.

31. In February, the Ministry of Justice issued a document containing five circulars drafted with the assistance of MICIVIH and printed with the support of UNSMIH. Drawing on the Constitution, Haitian legal texts and international instruments ratified by Haiti, the circulars summarized principles relating to weapons search procedures, the prosecution of police agents implicated in criminal offences (including human rights violations), arrest warrants and principles governing detention in police custody. Copies of the document, which was intended to help avoid the recurrence of arbitrary and illegal practices, were distributed to all prosecution and court officials and to police throughout the country.

32. In the field, MICIVIH observers continued their judicial monitoring and assistance, an essential contribution to improving the skills of judicial officials and prosecutors. They sometimes acted as intermediaries when differences arose within the judiciary, or between judicial and other officials.

33. Other MICIVIH initiatives on judicial matters related to the ratification of international and regional treaties by Haiti and regarding recognition of the jurisdiction of the Inter-American Court of Human Rights. Interest in those matters has been expressed at the highest levels of Government.

34. The Ministry of Justice took a number of other initiatives, which could in the long term lead to the strengthening of the justice system. Some improvements were noted in the organization of court records, particularly at the public prosecutor's office at Port-au-Prince, where a project funded by the United States of America was implemented to streamline the registry. The pilot case management project continued, with mainly United States technical assistance. The opening of recently constructed court buildings, funded by Canada, significantly improved conditions of work in some places.

35. Training for judicial personnel, key to judicial development, was suspended in September 1996 and is scheduled to resume in September 1997 following the appointment of a director of studies at the École de la Magistrature. Initial emphasis will be placed on a pilot project for training 60 justices of the peace to become judges of first instance. The project will mainly be carried out with the support of France and the United States, but most trainers will be Haitian.

36. In an effort to make legal recourses available to the ordinary citizen, the Ministry of Justice has been working on the development of a legal aid programme. A study was undertaken by a Belgian non-governmental organization, Réseau des Citoyens, and in June a two-day workshop on the subject was held under the auspices of the Ministry, at which MICIVIH gave a presentation. Some Haitian non-governmental organizations continued to provide legal assistance with funding from the United States and France.

37. It is hoped that the swearing-in, after long delays, of the Ombudsman in May 1997 and the allocation of a budget to his office will enable this institution, essential to the protection of human rights, to become operational.

MICIVIH has been assisting the Ombudsman in setting up his office and has recruited a consultant to develop a one-year plan of activities.

38. In order to provide the Ministry of Justice with the expertise needed to tackle some pressing issues, MICIVIH recruited several short-term consultants to examine and make recommendations on the situation of women and minors in prison, juvenile justice and impunity.

D. Impunity, compensation and rehabilitation of victims of past human rights abuses

39. Impunity, compensation and rehabilitation of victims of past human rights abuses remain major issues in Haiti. Although these issues are of continuing concern to the State, they have not been addressed conclusively as yet. The lack of in-depth investigative capacity, considerable delays in the prosecution and punishment of past human rights violations as well as of current infringements of the law continued in the majority of cases. Little progress appears to have been made in the work of the special unit (Brigade criminelle) formed within the Haitian National Police to carry out inquiries into past and current high profile cases. MICIVIH presented a memorandum to the Government proposing ways to resolve the shortcomings of the Unité pénale nationale - a special unit of prosecutors and examining magistrates that should be instrumental in the fight against impunity - after it virtually ceased to function in April. The Mission urged that the recommendations of the National Truth and Justice Committee be incorporated into State plans and actions. However, neither the Follow-up Committee nor the Compensation Committee to help victims of the coup d'état recommended in the report have been set up yet. While such a Committee has been on the agenda of the Judicial and Law Reform Committee, no solid commitments have yet been made in that regard by the Government. The embryonic Fondation 30 Septembre is developing an approach to both compensation and justice in the courts, but it has yet to begin functioning. There has still been no agreement between the Haitian and United States authorities on the return of documents of the Front pour l'avancement et le progrès d'Haïti (FRAPH) and the Armed Forces of Haiti.

40. There has been some progress in the investigation into the Raboteau massacre case. New arrests have been made. In order to facilitate the preparation of scientific aspects of the case, MICIVIH organized a one-week visit to Haiti of two forensic anthropologists. They met with victims and their relatives and, with judicial and government officials, gave training to the Unité pénale nationale in issues related to forensic anthropology, and gave statements as expert witnesses before the investigating judge. A small group of Haitian and international lawyers has been working for the Government on behalf of victims to help prepare the Raboteau massacre case and other past human rights abuses for prosecution.

41. MICIVIH provided extensive support to organizations working for the rehabilitation of victims, particularly Mapviv, an organization that provides social, psychological and medical support to victims, helping them to help themselves. The Mission organized with Mapviv a 10-day seminar to train trainers in the development of small community projects for groups of victims,

as well as days of reflection, attended by victims in three provincial cities. Other non-governmental organizations are now promoting debate on those matters to increase awareness of the need for support for victims. During its visit to Argentina, the Ministry of Justice delegation gathered information on that country's experiences and policies with regard to impunity, compensation and rehabilitation.

V. HUMAN RIGHTS PROMOTION

42. The Mission's human rights promotion seminars and workshops have been well received and in great demand. They play an essential role in strengthening the technical capacity of both the human rights non-governmental organizations and other associations of civil society, as well as contributing to the strengthening of a democratic culture. In 1997, MICIVIH organized or supported throughout Haiti more than 150 civic education and human rights seminars reaching some 6,000 Haitians of many different backgrounds. Most seminars were led by Haitian trainers with logistical and financial support from MICIVIH. A typical one-day seminar covered the Haitian Constitution, the rights and duties of citizens, and the role of different local authorities, including the police, judges, prison guards and elected officials, who themselves regularly participated. Longer four-day training sessions on human rights, women's rights and the rule of law were organized around the country for groups of trainers, police and other officials.

43. MICIVIH and UNDP began preparations for a civic education programme to be launched in July for elected officials and local leaders at the request of President Préval. The programme is aimed at developing a sense of responsibility towards the citizenry, as a foundation of a state of law. The Secretariat of State for Youth, Sports and Civic Service also took steps towards the promotion of a civic culture, with the creation of a civic service and the recruitment and training of 91 young leaders who will undertake community development and civic education work. At the request of the Secretariat, MICIVIH organized four-day training sessions for those trainers on the promotion of civic culture and human and women's rights.

44. Other work with State agents included a civic education seminar at Jérémie, which brought together police, prison guards and prisoners in order to create a greater awareness of the different roles and rights of each group. Judicial officials and lawyers regularly participated in MICIVIH's civic education and media work such as a day-long seminar on the theme of "Justice et Droits de l'Homme" for lawyers and judicial officials in the region of Petit-Goâve.

45. The ground-breaking work of MICIVIH in developing conflict resolution training focused during this period on sessions for police, as noted above. Following the success of the Mission's initial training sessions for judicial authorities in the Artibonite, the École de la Magistrature agreed to develop a contextualized training approach tailored to Haitian reality and an appropriate mediation model for Haiti. In addition, MICIVIH is continuing its cooperation with the Culture of Peace Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and is developing a bilingual (Creole-French) conflict resolution manual. MICIVIH also conducted important

preparatory work with Haitian human rights organizations on an urban violence reduction project, which has been presented to the police authorities for their consideration. The Unit for the Promotion of Democracy of the Organization of American States is collaborating with MICIVIH to develop a training of trainers programme in these areas.

46. In its efforts to strengthen the monitoring capacity of local human rights non-governmental organizations, MICIVIH, in cooperation with the Administration pénitentiaire nationale and UNDP, assisted the major coalition of human rights non-governmental organizations, the Plate-Forme des Organismes Haïtiens de Défense des Droits de l'Homme, in preparations for two 4-day seminars in late June on prison monitoring, an area in which Haitian civil society has traditionally played little role. MICIVIH observers worked closely with some non-governmental organizations to give their monitors training on human rights investigations. MICIVIH has also commenced work with a group of non-governmental organizations to organize a colloquium on juvenile delinquency and rehabilitation, scheduled for September.

47. MICIVIH continued to emphasize women's rights. Community seminars were held with grass-roots organizations in three departments. Three-day seminars for members of the larger women's organizations were planned for June and July. Special events were organized in different parts of the country to mark International Women's Day, including theatre events, round-table discussions and the painting of a mural to be installed on one of the main streets of Gonaïves. A radio spot and a video on women's rights were also prepared and distributed in time for International Women's Day. An illustrated booklet on women's rights was published in collaboration with the Ministry of Women's Affairs and Rights.

48. To mark the tenth anniversary of the Haitian Constitution, approved in a referendum on 29 March 1987, MICIVIH conducted a number of activities. In Port-au-Prince, a major conference on human rights and the Haitian Constitution was organized with UNDP under the auspices of President Préval. Held on 28 and 29 April and chaired by the Ombudsman, the conference brought together international and Haitian constitutional experts, government and judicial officials, political leaders and law students, etc. It was praised as a rare opportunity for personalities of various backgrounds and political leanings to meet and exchange views. It sparked a public debate and much interest in developing other initiatives on the issue. Other events to mark the anniversary had been organized on Constitution Day, 29 March. In Jérémie, for example, the Prime Minister attended a conference organized by observers from the MICIVIH regional office and by the local branch of the Justice and Peace Commission of the Catholic Church.

49. MICIVIH maintained a relatively high media profile. It issued 12 press releases and notices, including an assessment of the human rights situation at the end of President Préval's first year in office in February. MICIVIH directors were regularly interviewed by both Haitian and international journalists, on the human rights situation and Mission activities. MICIVIH expanded its radio programmes on civic education issues, which are now regularly broadcast in several provincial towns. Observers at Jacmel developed their weekly television programme, featuring local authorities as guests. Topics covered by the programmes included elections and prisons (including pre-trial

detention). MICIVIH also prepared a 20-minute radio programme, entitled "Retour au civisme", as a follow-up to two conferences on civic education organized by the Secretariat of State for Youth, Sports and Civic Service with the help of MICIVIH in late 1996.

50. The MICIVIH media unit worked closely with the UNSMIH press office, collaborating in the production and distribution of the UNSMIH television programme, entitled "Espace Bleu", which included items on MICIVIH work with the justice system, the community police pilot project in Cap Haïtien and an interview with President Préval about the role of MICIVIH and UNSMIH in Haiti. MICIVIH also collaborated with the Ministry of Justice in the development of its programme, entitled "Chimen Jistis", broadcast weekly on national television. In March, MICIVIH distributed to television stations around the country a 30-minute video, entitled "Conflits terriens: un espoir de résolution", which it had prepared with financial support from UNESCO, on the use of mediation and conflict resolution techniques in land conflicts. In April, MICIVIH launched its website on the Internet, an important step towards making MICIVIH's documentation available worldwide. It is now preparing several radio and television spots, including two on popular justice.

51. A collection of published reports, civic education fliers, posters and videos produced by MICIVIH, as well as the reports of the Secretary-General on the situation of democracy and human rights in Haiti, were presented to the Bibliothèque Nationale d'Haïti. Multiple copies were given to allow distribution to regional branches. Fifteen thousand copies of the Constitution were printed in French and Creole, and several thousand copies of civic education posters and fliers were reprinted and distributed in the course of the Mission's human rights promotion activities.

VI. ELECTIONS

52. At the end of March, the Provisional Electoral Council formally requested the OAS to monitor the senatorial and local elections on 6 April. OAS and the United Nations agreed that MICIVIH observers would be seconded to the OAS Election Observation Mission. The Provisional Electoral Council also requested MICIVIH support for its civic education campaign in early March. In this context, the Mission contracted provincial radio stations around the country to broadcast two MICIVIH-produced radio spots on the role of local government assemblies. Observers included the topic of local government assemblies in their civic education seminars, and in a number of radio and television programmes. In several departments, they organized seminars with electoral officials.

53. After the first round of elections, the Executive Director of MICIVIH, in his capacity as head of the OAS Election Observation Mission, participated in numerous meetings between members of the international community, the Provisional Electoral Council and political parties to seek a solution to the electoral crisis.

54. Throughout this period, MICIVIH observers investigated or monitored numerous protests and other incidents, some of them violent, which were mainly

related to disputes over the composition of electoral offices and, later, over first round election results.

VII. RELATIONS WITH THE UNITED NATIONS SUPPORT MISSION IN HAITI AND INTERNATIONAL ORGANIZATIONS

55. MICIVIH carried out liaison with UNSMIH on matters of mutual concern. In the field, observers worked with civilian police personnel in training police, in particular in community policing and matters related to police custody and treatment of detainees. UNSMIH continued to provide MICIVIH with both logistical and administrative support.

56. MICIVIH also collaborated with UNDP on the prison reform project, the April seminar on the Haitian Constitution and proposals made by President Préval for a nationwide civic education campaign for local officials through a series of seminars in mid-1997. The Mission maintained regular contacts with the Special Expert on Human Rights for Haiti and collaborated with the representative of the Centre for Human Rights, who is currently on mission to Haiti.

VIII. CONCLUSION

57. The three functions performed by the 64 United Nations and OAS international members of MICIVIH are complementary:

(a) They monitor the human rights situation in an impartial and dispassionate way, not only in Port-au-Prince, which is well covered by the media, but also in remote regions, from which information is slow to reach the central authorities. Familiar with the local language and culture and maintaining close ties with officials and Haitians from all walks of life, they gain a good knowledge and understanding of that situation. By encouraging respect for norms and promoting transparency, they deter abuses and strengthen adherence to higher standards. They also identify common problems such as excessive use of force by police, long pre-trial detention or lack of due process;

(b) They help redress the shortcomings they have observed. They contribute significantly to institution-building through their technical assistance to the Government, with particular regard to the judiciary. They make recommendations to the decision makers, offer them legal advice and assist them in conducting the necessary reforms. They maintain regular contacts with the Ministry of Justice, which utilizes their expertise while taking the local context into full account. Given that there is a need for a complete overhaul of the justice system, the MICIVIH members have contributed to the definition of a strategy for judicial reform. Their technical assistance will become even more important when the recommendations of the Judicial and Law Reform Committee begin to be implemented later in 1997;

(c) They strive to promote democratic values through training in human rights, civic education and conflict resolution. They conduct classes, seminars and conferences, which are highly effective, since they meet a profound

aspiration among Haitians towards a more just society. This aspect of their work is crucial to the establishment of a democratic culture. With the Government and associations of civil society, they promote dialogue, tolerance and mutual respect, thus giving a concrete meaning to the concept of democracy.

58. All activities of MICIVIH in the three areas of its mandate contribute to the establishment of the rule of law in Haiti, a key concern of the Government since the return to constitutional order in October 1994.

59. At a moment when the fragility of the ambient political, social and economic context is placing additional pressures and burdens on the recently laid foundations of the key institutions that underpin the rule of law, the continuing presence of MICIVIH remains essential to the consolidation of democracy. As stated by the Minister for Foreign Affairs of Haiti at the twenty-seventh session of the General Assembly of OAS, MICIVIH should continue to support the Government, particularly with regard to the judicial reform.

60. On 30 November 1996, President Préval requested a one-year extension of the MICIVIH presence until 31 December 1997. OAS responded affirmatively, while the United Nations, for financial reasons, extended the mandate of its component of MICIVIH until 31 July 1997. Following consultations with the General Secretariat of OAS, I therefore recommend to the General Assembly that it authorize a five-month extension of the mandate of the United Nations component of the Mission when its current mandate expires on 31 July 1997, to support effectively the expected judicial reform efforts as well as to contribute to institution-building and the strengthening of democracy, through technical assistance and through its monitoring and human rights and civic education activities. The Mission's institutional development and its human rights promotion and civic education capacities should be reinforced.

61. In concluding the present report, I should like to commend Mr. Colin Granderson, the Executive Director, and the staff of the Mission for the exemplary manner in which they discharge their duties. The positive image they maintain, in a difficult environment, the good relations they enjoy with all sectors of the population and the close cooperation they pursue with the authorities bear testimony to their commitment, dedication and professionalism.